



MAYOR AND COUNCIL AGENDA

NO. 15

DEPT.: Community Planning and Development Services / DATE PREPARED: 6/6/05
STAFF CONTACT: Cas Chasten, Planner III FOR MEETING OF: 6/13/05

SUBJECT: Adoption of resolution to provide for a public hearing in connection with Annexation Petition ANX2005-00137, Steven A. & Tracy L. Clark. Petition for annexation of 1.06 acres of land known as 9101 Scott Drive legally described as Lot 7, Block "A," Potomac High Lands.

RECOMMENDATION: Adopt resolution to hold a public hearing on August 1, 2005.

DISCUSSION: The petitioners request annexation into the City of Rockville, the referenced property, consisting of a single parcel of land approximately 1.06 acres in size. The parcel is currently improved with a single family detached dwelling. The property is currently served by an on-site private well and septic system. The septic system serving the residence has failed. The applicant plans to eliminate both the private well and septic system and connect to City of Rockville water and sewer services.

The property is currently zoned for Montgomery County's R-200 (Residential, One Family) land usage. The petitioners request that upon annexation the subject property be classified for R-150 (Medium Density) land usage in the City of Rockville. Staff however would recommend the property be classified for R-E (Residential Estate) land usage with its more comparable lot size requirement, i.e., a minimum of 40,000 square feet.

The subject petition has been submitted in accordance with provisions of Article 23A of the Annotated Code of Maryland, which specifies procedures for annexation to a municipal corporation. This law requires the Mayor and Council to introduce a resolution to propose annexation promptly upon being petitioned to do so.

Boards and Commissions Review: Section 25-99 of the City of Rockville Zoning & Planning Ordinance requires the Planning Commission to hold a public hearing so that interested persons who wish to speak and/or submit written comments into the official record have an opportunity to do so. The Planning Commission will hold its meeting on July 27, 2005 to allow interested parties to comment and/or submit written comments into the official record regarding annexation of the subject property from Montgomery County into the City of Rockville.

Next Steps: The Mayor and Council is scheduled to hold a public hearing on the request on August 1, 2005. At its September 12, 2005 meeting, the Mayor and Council would discuss the request and instruct staff regarding the granting of the annexation petition. If the Mayor and Council approves the

annexation petition at its meeting on September 26, 2005, the Mayor and Council would adopt the resolution to enlarge the corporate boundaries of the City and introduce the Ordinance amending the Zoning Map. At its next regularly scheduled meeting in October 2005, the Mayor and Council would officially adopt the ordinance amending the Zoning Map.

PREPARED BY:

Castor D. Chasten
Castor D. Chasten, Planner III

APPROVED BY:

Deane Mellander
Deane Mellander, Acting Chief of Planning

6-7-05
DATE

APPROVED BY:

Arthur D. Chambers
Arthur D. Chambers, AICP, CPDS Director

6/7/05
DATE

APPROVED BY:

Scott Ullery
Scott Ullery, City Manager

6/8/05
DATE

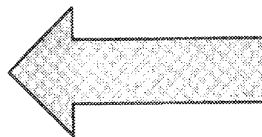
LIST OF ATTACHMENTS:

1. Site Vicinity Map
2. Resolution
3. Annexation Petition

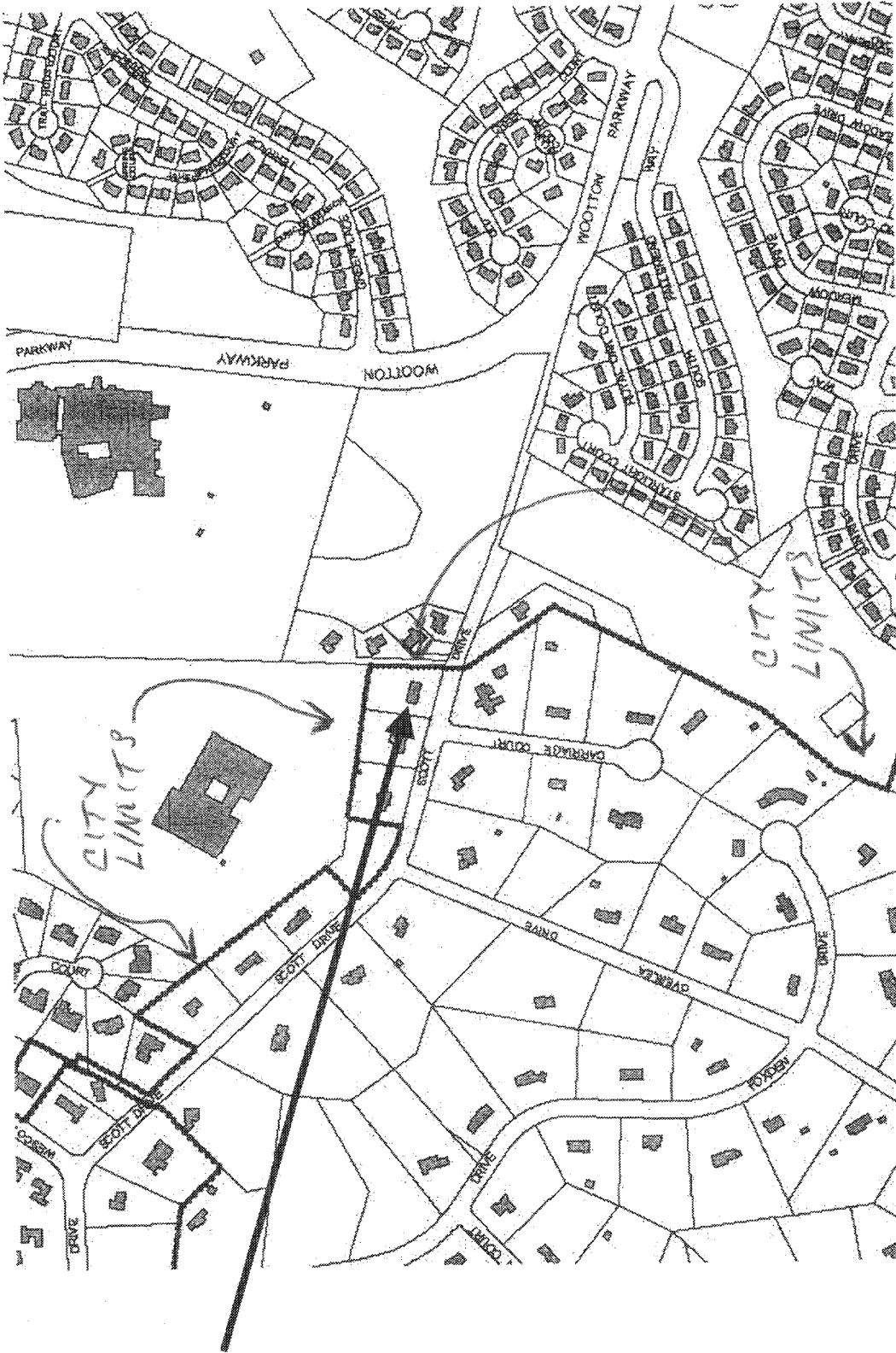
ANX2004-00137



SITE



N



9101 Scott Drive

Resolution No. _____

RESOLUTION: To provide for public hearing in connection with the annexation of 1.06 acres of land, more or less, of Steven A. and Tracy L. Clark

WHEREAS, a petition has been presented by Steven A. and Tracy L. Clark requesting that a parcel of land totaling 1.06 acres of land, more or less, be annexed by the Mayor and Council, which parcel is located on Scott Drive, and which has a premises address of 9101 Scott Drive, Rockville, Maryland; and

WHEREAS, the signatures on said petition have been verified and it has been ascertained that the persons signing said petition represent at least twenty-five percent (25%) of the persons who reside in the area to be annexed, who are registered voters in county elections in the precinct or precincts in which the territory to be annexed is located, and the owners of twenty-five percent (25%) of the assessed valuation of the real property located in the area to be annexed; and

WHEREAS, pursuant to the provisions of Section 19(c) of Article 23A of the Annotated Code of Maryland, a resolution has been introduced which, if adopted, would annex the additional property referenced herein, which property is more particularly described in said resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, as follows:

1. That the City Clerk is instructed to cause a public notice of the resolution which has been introduced which, if adopted, would annex property of Steven A. and Tracy L. Clark, to be published not fewer than two times at not less than weekly intervals in a newspaper of general circulation in the City of Rockville and the area to be annexed, said notice to specify that a public hearing will be held on the resolution in the office of the Mayor and Council at 7:00 p.m. or as

soon thereafter as it may be held, on the 1st day of August, 2005, in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland 20850.

2. That the City Clerk is instructed to provide an outline for the extension of services and public facilities into the area proposed to be annexed to the County Executive of Montgomery County, Maryland, the Secretary of the State Department of Planning and the Chairman of the Maryland-National Capital Park and Planning Commission at least thirty days prior to the holding of the scheduled public hearing.

3. That immediately upon the first publication of the public notice of said resolution, the City Clerk is instructed to cause said public notice and the Planning Commission's Preliminary Report to be provided to the County Executive of Montgomery County, Maryland, Secretary of the State Department of Planning and the Chairman of the Maryland-National Capital Park and Planning Commission.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Mayor and Council at its meeting of

Claire F. Funkhouser, CMC, City Clerk

BEFORE THE MAYOR AND COUNCIL
OF THE CITY OF ROCKVILLE, MARYLAND

Annexation No. ANX005-00137

RECEIVED
CITY CLERK'S OFFICE

2005 APR 25 AM 9:58

PETITION FOR ANNEXATION

The undersigned property owner "Petitioner" hereby petitions the Mayor and Council of the City of Rockville pursuant to Section 19, Article 23 of the Annotated Code of Maryland to annex property into the corporate boundaries of the City of Rockville. In support of this request the Petitioner states as follows:

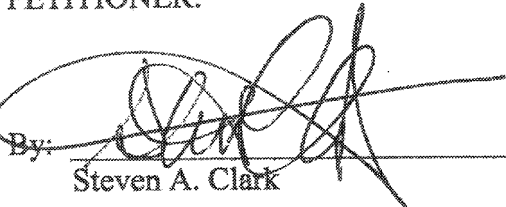
1. The property which is the subject of this annexation petition consists of 1.06 acres of improved land commonly known as 9101 Scott Drive, and legally described as Lot 7, Block "A", Potomac Highlands, recorded amongst the Land Records of Montgomery County at Plat Book 41 at Plat 2952 (Exhibit C), and more particularly described in the Metes and Bounds description (Exhibit A) attached for the Subject Property.
2. The Subject Property is contiguous to and adjoining the existing corporate limits of the City of Rockville.
3. Annexation of the Subject Property will not create any unincorporated area which is bounded on all sides by: i) real property presently within the corporate limits of the City of Rockville, or, ii) real property proposed to be within the City of Rockville, or, iii) any combination of incorporated properties, and proposed to be incorporated properties within the City of Rockville.
4. The Subject Property to be annexed into the City is owned by Steven A. and Tracy L. Clark, both of which are registered voters in county elections.
5. The property is served by a private on site well and septic system. The septic system serving the existing residence has failed (See Exhibit D). The applicant intends to eliminate the private well and septic system and connect to the City water and sewer service.

6. The Subject Property is within the urban growth boundary of the City of Rockville, and annexation of the Subject Property is within the urban growth boundary of the City of Rockville, and annexation of the Subject Property will provide a logical corporate boundary for the City of Rockville.

7. The Subject Property is currently classified in the R-200 (Residential, One-Family) zone in Montgomery County, which zoning classification is consistent with the current and duly adopted Master Plan. Petitioner requests that the Subject Property be classified in the R-150 zone in the City of Rockville which will permit a land use of a single family detached dwelling which is substantially similar to the use permitted in Montgomery County's R-200.

WHEREFORE, the Petitioner respectfully requests that the Mayor and the Council of the City of Rockville initiate all steps necessary for final enactment of a resolution annexing the Subject Property into the corporate boundaries of the City of Rockville.

PETITIONER:

By: 
Steven A. Clark


Tracy L. Clark

Exhibits:

- Application and Consent Form
- Property Description (Exhibit A)
- Property Sketch (Exhibit B)
- Record Plat (Pb41/Plat 2952)(Exhibit C)
- Letter to Montgomery County, Dept of Permitting Services, Well & Septic dated December 14, 2004 (Exhibit D)

CONSENT TO ANNEXATION

The undersigned is the owner of record, in fee simple, of the property located on 9101 Scott Drive and legally described as: Lot 7, Block "A", Potomac Highlands Pb 41, Plat 2952, recorded in the Land Records of Montgomery County, Maryland.

I hereby consent to annexation of the subject property and consent to its proposed annexation into the City of Rockville.

4/18/2005
Date

By:


Steven A. Clark



Tracy L. Clark

EXHIBIT "A"
LOT 7 – BLOCK "A"
POTOMAC HIGH LANDS

Being a parcel of land located in the Fourth (4th) Election District of Montgomery County, Maryland and being all of the land conveyed by John H. Woodhull, Trustee to Steven A. Clark and Tracy L. Clark by deed dated February 29, 2000 and recorded among the Land Records of Montgomery County, Maryland in Liber 17924 at Folio 709 and also being all of Lot 7, Block "A" as delineated on a Subdivision Record Plat entitled "Potomac High Lands" as recorded among the aforesaid Land Records as Plat No. 2952 and being more particularly described in said Plat Datum by Macris, Hendricks & Glascock, P.A. as follows:

Beginning at a point on the northerly right-of-way limits of Scott Drive (60'R/W), said point being the common front corner of Lots 6 and 7, Block A, then leaving said Scott Drive and binding with the common line between said Lots 6 and 7

1. North 08°15'00" East, 252.88 feet to a point, said point being the common rear corner of the said Lots 6 and 7, Block A, then binding with the northerly platted limits of the said Lot 7, Block "A"
2. South 81°45'00" East, 159.40 feet to a point, then binding with the easterly platted limits of said Lot 7 and the westerly platted limits of Lot 4 as delineated on a Plat of Corrections entitled "Rock Falls" and recorded among the aforesaid Land Records as Plat No. 17480 then binding with said common line

3. South 02°24'47" West, 281.59 feet to a point, said point being on the
aforesaid northerly right-of-way limits of Scott Drive,
then binding with said right-of-way limits
4. North 73° 31'00" West, 190.00 feet to the point of beginning; containing
1.06 acres of land.

Parcel I.D. = 04-00088848

Certified correct to the best of our professional knowledge,
information and belief. If the seal and signature are not
violet colored, the document is a copy that should be
assumed to contain unauthorized alterations. The
certification contained on this document shall not apply to
any copies.

Douglas H. Riggs III

Macris, Hendricks & Glascock, P.A.
Douglass H. Riggs, III, Professional Land Surveyor
Maryland Registration No. 10712

05-114
SA001DHR



N/F
BD. OF EDUCATION
L.3557 F.397

4

S 81°45'00" E 159.40'



N 08°15'00" E 252.88'

7
1.06 Acres

S 02°24'47" W 281.59'

3
ROCK FALLS
PLAT 17480



6

POB

N 73°31'00" W 190.00'
SCOTT DRIVE
(60' R/W)

EXHIBIT "B"

LOT 7 BLOCK A
POTOMAC HIGH LANDS
PLAT 2952

1"=50' February, 2005
MONTGOMERY COUNTY, MARYLAND



MHG

Macris, Hendricks & Glascock, P.A.
Engineers * Planners
Landscape Architects * Surveyors

9220 Wightman Road, Suite 120
Montgomery Village, Maryland
20896-1279

Phone 301.570.0840
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JOB NO. 2005-114